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REMARKS

Reconsideration of the instant application is respectfully requested in view of the foregoing amendments and the following comments.

In the office action, claims 1, 4, and 6 were rejected under 35 U.S.C. § 101 as being directed to non statutory subject matter. Claim 2 was rejected under 35 U.S.C. § 112 as failing to comply with the enablement requirement. Claims 1-3 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Lee (U.S. 6,539,225). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Suzuki (U.S. 6,791,946). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Suzuki, and further in view of Baiyor (U.S. 6,282,429). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Lee and Douglis (U.S. 6,487,596). And Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Lee and Douglis, and further in view of Jennings (U.S. 6,597,774).

Claims 1-7 have been amended. It is submitted that these amendments address the issues raised by the office action with respect to the rejections under 35 U.S.C. §§101 and 112, first paragraph. As amended claims 1-7 recite statutory subject matter and are fully enabled.

Withdrawal of the rejections under 35 U.S.C. §§ 101 and 112 is respectfully requested.

On the merits, with respect to the rejection of independent claim 1, this claim has been amended to recite, in pertinent part:

the managing communication device releasing, with a movement of the mobile node managed, an older tunnel already established so as to prevent a number of all tunnels established between the communication device itself and the accommodating communication device from exceeding a predetermined threshold value.

The office action appears to allege that applicant's predetermined threshold could be "1" and therefore this limitation is met by the relied upon portion of the cited reference. However, according to Lee at column 6, lines 6-19, it is stated that the invention described therein can be readily adapted to handle any number of base stations engaged in negotiation (call handoff negotiation) by adding a new foreign agent for each base station and routing the same communication content to all foreign agents (old and new) until the call handoff is completed. Therefore, contrary to the suggestion in the office action, Lee fails to teach any means for controlling the number of tunnels.

The number of tunnels in the Lee reference's system corresponds to the total of the old base stations (Old BSS) and the new base stations (New BSS). Accordingly, Lee fails to disclose or suggest controlling the number of base stations to be handled at the time of a call handoff processing.

Therefore, it is respectfully submitted that independent claim 1, as amended, patentably distinguishes over the relied upon portions of Lee and is allowable. Claim 2 depends from claim 1 and is allowable therewith.

With respect to independent claim 3, as amended it now recites "means controlling a number of tunnels to be within a predetermined number." As discussed above, Lee does not teach controlling the number of tunnels, and thus does not teach their control within a predetermined time. Therefore, it is respectfully submitted that independent claim 3 patentably distinguishes over Lee and is allowable.

As to independent claim 4, as amended it now recites:

"the managing communication device rejecting an establishment of a new tunnel when the new tunnel is required to be established with a movement of a single mobile node managed, a number of all tunnels presently established for all mobile nodes managed by

the communication device itself exceeds a predetermined threshold value, and no tunnel corresponding to the single mobile node is established, and releasing an older tunnel corresponding to the single mobile node to establish the new tunnel when at least one tunnel corresponding to the single mobile node is established".

Independent claim 6, as amended now recites:

"the managing communication device determining a lifetime, with a movement of the mobile node managed, of a tunnel established between the managing communication device itself and the accommodating communication device, so that when a number of all tunnels presently used is large the lifetime is shortened".

As amended claims 4 and 6 recite elements for controlling the number of base stations to be handled at the time of a call handoff processing.

As described above, Lee fails to disclose or suggest controlling the number of base stations to be handled at the time of a call handoff processing. Therefore, one skilled in the art would not be motivated to combine the teachings of Suzuki or Douglis et al. to achieve the independent claims 4 and 6 of the present invention.

Claims 5 and 7 respectively depending from independent claims 4 and 6 are also believed to be patentable at least because of their dependency from the respective independent claims 4 and 6. Moreover, it is submitted that the shortcomings of Suzuki and Douglis, discussed above, are not addressed by the relied upon portions of Baiyor or Jennings. Accordingly, withdrawal of the rejection of claims 4-7 is requested.

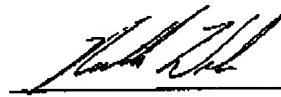
Conclusion

In view of the remarks and amendments set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully

requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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